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May 15, 2023

Via CM/ECF

Hon. Frederick J. Scullin, Jr., Senior U.S. District Judge
U.S. District Court for the Northern District of New York
James M. Hanley Federal Building & U.S. Courthouse
100 S. Clinton St.
P.O. Box 7255
Syracuse, New York 13261

Hon. Daniel J. Stewart, U.S. Magistrate Judge
U.S. District Court for the Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, 4th Floor
Albany, New York 12207

Re: **Request for Court Conference / Opposition to Extension**
Prime Capital Ventures, LLC v Reign Financial International, Inc., et al.
Case No.: 1:23-cv-00207 (FJS/DJS)

Dear Judge Scullin and Magistrate Stewart:

This firm represents Plaintiff Prime Capital Ventures, LLC (“Plaintiff”) in the above referenced action. I write in response to the correspondence ([Dkt. 17](#)) by Defendants Reign Financial International, Inc. (“Reign”), Gary Mills (“Mills”), and Martin Karo (“Karo”) (referenced as “Represented Defendants” and collectively referenced, together with Defendant Giorgio Johnson [hereinafter “Johnson”], as “Defendants”) in further support of that Reign, Mills, and Karo’s request for an additional extension of time to respond to the Amended Complaint.

As a preliminary matter, the documents intended to be attached to my letter of Friday, May 12 were inadvertently omitted. They are attached hereto.

The Represented Defendants letter of today’s date argues, in essence, that Plaintiff’s difficulties with locating and serving Johnson are not pertinent to their request for an extension of

time because some of the Defendants offered to waive service under [FRCP 4\(d\)](#) and Plaintiff declined the request. Some context is missing from Represented Defendants' assertion.

It is true that Reign's in-house counsel (Reign had not yet retained outside litigation counsel at the time) offered to waive service in exchange for a lengthy extension of time for Defendants to respond. Plaintiff – believing that Defendants were actively engaged in fraud and dissipation of the \$20 million of Plaintiff's assets that are at issue in this lawsuit – declined because the requested extension of time was too long.

Thereafter, Defendants (via Reign's in-house counsel) requested a more reasonable extension of time until April 7 to respond to the Amended Complaint, which Plaintiff granted. The Represented Defendants then retained counsel, and Plaintiff asked if the Represented Defendants' counsel would waive/accept service for Johnson so that this action could proceed with all Defendants joined. However, counsel has declined to do so.

Given that counsel for the Represented Defendants is making representations to the Court about Johnson's anticipated defenses, it is obvious that counsel and/or the Represented Defendants have unprivileged and discoverable information about Johnson's whereabouts. That information is essential for Plaintiff to locate and serve Johnson. Perpetually delaying Defendants' time to respond to the Amended Complaint (and thus the start of discovery) until Johnson is served, under these circumstances, is patently unfair.

Accordingly, Plaintiff respectfully renews its request for a court conference.

Thank you for your time and attention to this matter.

Very truly yours,

GIRVIN & FERLAZZO, P.C.

By:


Daniel S. L. Rubin, Esq.

Cc: (via CM/ECF)
Adam R. Shaw, Esq.

Attachments to 5/12/2023 letter

From: juancarlosmarquez-gc@reignfi.com <juancarlosmarquez-gc@reignfi.com>

Sent: Monday, February 13, 2023 3:26:38 PM

To: Daniel S. Rubin <dsr@girvinlaw.com>

Subject: RE: Prime capital

Daniel,

Per our conversation, Reign has been working to unravel the transaction which was blocking the release of Prime Capital's funds. In the transaction, Reign had taken a margin on its account, and circumstances beyond Reign's control and knowledge resulted in the blockage. In that regard, Reign issued demand letters to force the return of all the capital involved in the transaction. Further, Reign warned that unless all the capital was released, Reign would initiate legal proceedings to recover the capital.

On Friday February 10, 2023, Mr. Johnson and one of our attorneys met with the parties who have release authority over the capital that could then facilitate the release of Prime Capital's funds. They spent all of Friday and part of Saturday discussing the release of the capital, as well as the timeline for the release. Based on their discussions, it is our understanding that the capital will be released on Tuesday, February 14, 2023.

The release of the capital on Tuesday should allow Berone Capital to arrange for the return of Prime Capital's funds. We do not have any control over the timeline for Berone to return the funds back to Prime Capital.

Should you have any further questions, please let me know.

Regards,

Juan Carlos A. Marquez
General Counsel



Reign Financial International Inc.
Your Partner for Diversified Client-Centric Solutions
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From: Daniel S. Rubin <dsr@girvinlaw.com>

Sent: Sunday, February 12, 2023 3:33 PM

To: juancarlosmarquez-gc@reignfi.com

Subject: Prime capital

Juan,

Please give me a call back at your earliest convenience. I have a few follow up questions.

Thanks,

Daniel Rubin

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AFFIDAVIT OF NON-SERVICE

Case: 1:23-cv-00207- FJS-DJS	Court: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	County:	Job: 8409076
Plaintiff / Petitioner: PRIME CAPITAL VENTURES, LLC		Defendant / Respondent: REIGN FINANCIAL INTERNATIONAL, INC.	
Received by: Hart 2 Hart Investigations		For: Girvin & Ferlazzo	
To be served upon: Giorgio Johnson			

I, Matthew Figurate, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Giorgio Johnson, 14474 S Livesay Rd, Oregon City, OR 97045

Manner of Service: Unsuccessful Attempt

Documents: Civil Cover Sheet, Summons, Complaint (with Exhibits A-C)

Additional Comments:

1) Unsuccessful Attempt: Feb 21, 2023, 3:15 pm EST at 14474 S Livesay Rd, Oregon City, OR 97045

No one answered the door. Knocked a few times and waited, knocked again. I didn't hear any sounds or see any movement. I checked the mailbox because the flag was up and found that the mail belonged to someone other than the Served.

I received a call from a woman asking what the documents are in regard to. I explained they are time-sensitive legal documents for a Giorgio Johnson. She stated that he doesn't live there but she is his aunt.

Matthew Figurate 2/22/23
Matthew Figurate Date
DPSST #096021

Subscribed and sworn to before me by the affiant who is personally known to me.

Dawn Faith Hartwell
Notary Public

2/22/23

Date

March 17, 2023

Commission Expires



AFFIDAVIT OF NON-SERVICE

Case: 1:23-cv-00207- FJS-DJS	Court: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	County:	Job: 8540114
Plaintiff / Petitioner: PRIME CAPITAL VENTURES, LLC		Defendant / Respondent: REIGN FINANCIAL INTERNATIONAL, INC., GIORGIO JOHNSON, GARY MILLS AND MARTIN KARO	
Received by: A Plus Process Service		For: Girvin & Ferlazzo	
To be served upon: GIORGIO JOHNSON			

I, James Treacy, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: GIORGIO JOHNSON, 1330 SW 3rd Ave Apt. P12, Portland, OR 97201

Manner of Service: Non-Service

Documents: SUMMONS IN A CIVIL ACTION, AMENDED COMPLAINT (with Exhibits A-C)

Additional Comments:

1) Unsuccessful Attempt: Mar 15, 2023, 11:45 am PDT at 1330 SW 3rd Ave Apt. P12, Portland, OR 97201

This is a locked apartment building, but I was able to gain access to the first floor where I spoke to two maintenance men who were working on the mailboxes. I explained that I needed to get up to Apt. P12. One of the maintenance men stated that P12 was vacant. I asked if Giorgio was the resident that had moved out and the man stated that he didn't know who lived there but that it has been vacant for almost a month.

 3/16/2023
James Treacy Date

P.O. Box 16913
Portland, OR 97272
(503) 567-9996

Subscribed and sworn to before me by the affiant who is
personally known to me


Notary Public

3/16/23
Date

June 6, 2026
Commission Expires

